

Senate Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 151

SENATE BILL 1115

AN ACT

AMENDING TITLE 3, CHAPTER 11, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 3-1350; AMENDING SECTIONS 11-1009, 13-1802, 13-2910.01 AND 13-2910.02, ARIZONA REVISED STATUTES; AMENDING TITLE 13, CHAPTER 29, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-2910.09; RELATING TO OFFENSES AGAINST PUBLIC ORDER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 3, chapter 11, article 5, Arizona Revised Statutes,
3 is amended by adding section 3-1350, to read:

4 3-1350. Registry of equine rescue facilities; fees

5 A. THE DEPARTMENT SHALL ESTABLISH AND MAINTAIN A REGISTRY OF EQUINE
6 RESCUE FACILITIES AND A PUBLIC LIST OF REGISTERED EQUINE RESCUE FACILITIES AT
7 DEPARTMENT OFFICES AND ON THE DEPARTMENT'S OFFICIAL WEBSITE.

8 B. TO BE REGISTERED UNDER THIS SECTION AN EQUINE RESCUE FACILITY MUST:

9 1. BE INCORPORATED AS A NONPROFIT CORPORATION IN THIS STATE.

10 2. MEET MINIMUM STANDARDS PRESCRIBED BY THE DEPARTMENT FOR:

11 (a) THE PHYSICAL CONDITION OF THE FACILITY.

12 (b) EQUINE CARE AND TREATMENT AT THE FACILITY.

13 C. THE TERM OF REGISTRATION IS ONE YEAR FROM THE INITIAL DATE OF
14 REGISTRATION, RENEWABLE ANNUALLY.

15 D. FOR INITIAL REGISTRATION OR ANNUAL RENEWAL OF REGISTRATION, A
16 PERSON REPRESENTING THE FACILITY MUST FILE WITH THE DEPARTMENT:

17 1. A LETTER FROM A LICENSED VETERINARIAN, DATED WITHIN FIFTEEN DAYS OF
18 FILING, CERTIFYING THAT THE FACILITY MEETS THE STANDARDS PRESCRIBED BY THE
19 DEPARTMENT FOR THE PHYSICAL CONDITION OF THE FACILITY AND FOR THE CARE OF
20 EQUINES AT THE FACILITY.

21 2. DOCUMENTS DEMONSTRATING THE FACILITY'S CURRENT STATUS AS A
22 NONPROFIT CORPORATION IN GOOD STANDING IN THIS STATE.

23 E. THE REGISTRY SHALL INCLUDE THE DOCUMENTS FILED FOR REGISTRATION OR
24 RENEWAL OF REGISTRATION UNDER SUBSECTION D OF THIS SECTION OR A LINK TO THE
25 FACILITY'S WEBSITE WHERE THE DOCUMENTS ARE DISPLAYED.

26 F. THE DIRECTOR MAY:

27 1. ASSESS AND COLLECT FEES FOR REGISTERING AND RENEWING THE
28 REGISTRATION OF EQUINE RESCUE FACILITIES UNDER THIS SECTION.

29 2. ADOPT RULES TO IMPLEMENT THIS SECTION.

30 Sec. 2. Section 11-1009, Arizona Revised Statutes, is amended to read:

31 11-1009. Kennel permit; fee; denial; inspection; violation;
32 classification

33 A. A person operating a kennel shall obtain a permit issued by the
34 board of supervisors of the county where the kennel is located except if each
35 individual dog is licensed.

36 B. The annual fee for the kennel permit is seventy-five dollars or the
37 actual cost of recovery as determined by the board of supervisors.

38 C. A dog remaining within the kennel is not required to be licensed
39 individually under section 11-1008. A dog leaving the controlled kennel
40 conditions shall be licensed under section 11-1008 except if the dog is only
41 being transported to another kennel that has a permit issued under this
42 section.

43 D. A person who fails to obtain a kennel permit under this section is
44 subject to a penalty of twenty-five dollars in addition to the annual fee.

1 E. The county shall deny a kennel permit to any person who has been
2 convicted of a violation of section 13-2910 or 13-2910.01 or any other state,
3 county or municipal animal welfare law, except violations of license and
4 leash laws.

5 F. A PERSON WHO OPERATES A KENNEL THAT HOUSES FEWER THAN TWENTY DOGS
6 MAY BE SUBJECT TO AN INSPECTION BY THE COUNTY ENFORCEMENT AGENT DURING
7 REGULAR BUSINESS HOURS IF THE COUNTY ENFORCEMENT AGENT HAS RECEIVED A CITIZEN
8 OR LAW ENFORCEMENT COMPLAINT IN WRITING THAT ALLEGES THE PERSON COMMITTED AN
9 ACT IN VIOLATION OF SECTION 13-2910 OR 13-2910.01. A PERSON WHO OPERATES A
10 KENNEL THAT HOUSES TWENTY DOGS OR MORE SHALL ALLOW INSPECTIONS OF THE KENNEL
11 BY THE COUNTY ENFORCEMENT AGENT AS A CONDITION OF RECEIVING A KENNEL PERMIT.
12 THIS SUBSECTION DOES NOT APPLY TO ANY KENNEL THAT HOUSES DOGS THAT ARE BEING
13 USED OR TRAINED FOR HUNTING.

14 ~~F.~~ G. A person who knowingly fails to obtain a kennel permit within
15 thirty days after written notification from the county enforcement agent is
16 guilty of a class 2 misdemeanor.

17 Sec. 3. Section 13-1802, Arizona Revised Statutes, is amended to read:
18 13-1802. Theft; classification

19 A. A person commits theft if, without lawful authority, the person
20 knowingly:

21 1. Controls property of another with the intent to deprive the other
22 person of such property; or

23 2. Converts for an unauthorized term or use services or property of
24 another entrusted to the defendant or placed in the defendant's possession
25 for a limited, authorized term or use; or

26 3. Obtains services or property of another by means of any material
27 misrepresentation with intent to deprive the other person of such property or
28 services; or

29 4. Comes into control of lost, mislaid or misdelivered property of
30 another under circumstances providing means of inquiry as to the true owner
31 and appropriates such property to the person's own or another's use without
32 reasonable efforts to notify the true owner; or

33 5. Controls property of another knowing or having reason to know that
34 the property was stolen; or

35 6. Obtains services known to the defendant to be available only for
36 compensation without paying or an agreement to pay the compensation or
37 diverts another's services to the person's own or another's benefit without
38 authority to do so.

39 B. A person commits theft if the person knowingly takes control,
40 title, use or management of an incapacitated or vulnerable adult's assets or
41 property through intimidation or deception, as defined in section 46-456,
42 while acting in a position of trust and confidence and with the intent to
43 deprive the incapacitated or vulnerable adult of the asset or property.

44 C. The inferences set forth in section 13-2305 apply to any
45 prosecution under subsection A, paragraph 5 of this section.

1 D. At the conclusion of any grand jury proceeding, hearing or trial,
2 the court shall preserve any trade secret that is admitted in evidence or any
3 portion of a transcript that contains information relating to the trade
4 secret pursuant to section 44-405.

5 E. Theft of property or services with a value of twenty-five thousand
6 dollars or more is a class 2 felony. Theft of property or services with a
7 value of four thousand dollars or more but less than twenty-five thousand
8 dollars is a class 3 felony. Theft of property or services with a value of
9 three thousand dollars or more but less than four thousand dollars is a class
10 4 felony, except that theft of any vehicle engine or transmission is a class
11 4 felony regardless of value. Theft of property or services with a value of
12 two thousand dollars or more but less than three thousand dollars is a class
13 5 felony. Theft of property or services with a value of one thousand dollars
14 or more but less than two thousand dollars is a class 6 felony. Theft of any
15 property or services valued at less than one thousand dollars is a class 1
16 misdemeanor, unless the property is taken from the person of another, is a
17 firearm or is a ~~dog~~ AN ANIMAL taken for the purpose of ~~dog~~ ANIMAL fighting in
18 violation of section 13-2910.01, in which case the theft is a class 6 felony.

19 F. A person who is convicted of a violation of subsection A, paragraph
20 1 or 3 of this section that involved property with a value of one hundred
21 thousand dollars or more is not eligible for suspension of sentence,
22 probation, pardon or release from confinement on any basis except pursuant to
23 section 31-233, subsection A or B until the sentence imposed by the court has
24 been served, the person is eligible for release pursuant to section
25 41-1604.07 or the sentence is commuted.

26 Sec. 4. Section 13-2910.01, Arizona Revised Statutes, is amended to
27 read:

28 13-2910.01. Animal fighting; classification

29 A. A person commits ~~dog~~ ANIMAL fighting by knowingly:

30 1. Owning, possessing, keeping or training any ~~dog with the intent~~
31 ANIMAL IF THE PERSON KNOWS OR HAS REASON TO KNOW that ~~such dog~~ THE ANIMAL
32 WILL engage in an exhibition of fighting with another ~~dog~~ ANIMAL.

33 2. For amusement or gain, causing any ~~dog~~ ANIMAL to fight with another
34 ~~dog~~ ANIMAL, or causing any ~~dogs~~ ANIMALS to injure each other.

35 3. Permitting any act in violation of paragraph 1 or 2 to be done on
36 any premises under ~~his~~ THE PERSON'S charge or control.

37 B. THIS SECTION DOES NOT:

38 1. PROHIBIT OR RESTRICT ACTIVITIES PERMITTED BY OR PURSUANT TO
39 TITLE 3.

40 2. APPLY TO ANIMALS THAT ARE TRAINED TO PROTECT LIVESTOCK FROM
41 PREDATION AND THAT ENGAGE IN ACTIONS TO PROTECT LIVESTOCK.

42 ~~B.~~ C. ~~Dog~~ ANIMAL fighting is a class 5 felony.

1 Sec. 5. Section 13-2910.02, Arizona Revised Statutes, is amended to
2 read:

3 13-2910.02. Presence at animal fight; classification

4 Any person who is knowingly present at any place or building where
5 preparations are being made for an exhibition of the fighting of dogs
6 ANIMALS, or WHO is present at such exhibition, is guilty of a class 6 felony.

7 Sec. 6. Title 13, chapter 29, Arizona Revised Statutes, is amended by
8 adding section 13-2910.09, to read:

9 13-2910.09. Equine tripping; classification; definitions

10 A. A PERSON WHO KNOWINGLY OR INTENTIONALLY TRIPS AN EQUINE FOR
11 ENTERTAINMENT OR SPORT IS GUILTY OF A CLASS 1 MISDEMEANOR.

12 B. A PERSON WHO IS CONVICTED OF A FIRST VIOLATION OF THIS SECTION:

13 1. SHALL BE SENTENCED TO SERVE NOT LESS THAN FORTY-EIGHT CONSECUTIVE
14 HOURS IN JAIL AND IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF
15 SENTENCE UNLESS THE ENTIRE SENTENCE IS SERVED.

16 2. SHALL PAY A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS.

17 C. A PERSON WHO IS CONVICTED OF A SECOND VIOLATION OF THIS SECTION:

18 1. SHALL BE SENTENCED TO SERVE NOT LESS THAN THIRTY CONSECUTIVE DAYS
19 IN JAIL AND IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF
20 SENTENCE UNLESS THE ENTIRE SENTENCE IS SERVED.

21 2. SHALL PAY A FINE OF NOT LESS THAN TWO THOUSAND DOLLARS.

22 D. A PERSON WHO IS CONVICTED OF A THIRD OR SUBSEQUENT VIOLATION OF
23 THIS SECTION:

24 1. SHALL BE SENTENCED TO SERVE NOT LESS THAN NINETY CONSECUTIVE DAYS
25 IN JAIL AND IS NOT ELIGIBLE FOR PROBATION OR SUSPENSION OF EXECUTION OF
26 SENTENCE UNLESS THE ENTIRE SENTENCE IS SERVED.

27 2. SHALL PAY A FINE OF NOT LESS THAN TWO THOUSAND DOLLARS.

28 E. THIS SECTION DOES NOT APPLY TO ANY JUMPING OR STEEPLECHASE EVENTS,
29 RACING, TRAINING, BRANDING, SHOW EVENTS, CALF OR STEER ROPING EVENTS,
30 BULLDOGGING OR STEER WRESTLING EVENTS OR ANY OTHER TRADITIONAL WESTERN RODEO
31 EVENTS, INCLUDING BARREL RACING, BAREBACK OR SADDLED BRONC RIDING OR OTHER
32 SIMILAR ACTIVITIES OR EVENTS.

33 F. FOR THE PURPOSES OF THIS SECTION:

34 1. "EQUINE" MEANS A HORSE, PONY, MULE, DONKEY OR HINNY.

35 2. "TRIPS" MEANS KNOWINGLY OR INTENTIONALLY CAUSING AN EQUINE TO LOSE
36 ITS BALANCE OR FALL BY USE OF A WIRE, POLE, STICK OR ROPE OR ANY OTHER OBJECT
37 OR BY ANY OTHER MEANS.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.